

A. IMMIGRATION STATUS REQUIREMENTS

Effective September 1, 1998

WAC 388-466-0005 Immigration status requirement for refugee assistance.

- (1) To be eligible for refugee cash assistance (RCA) and refugee medical assistance (RMA), a person must prove, by providing documentation issued by the Immigration and Naturalization Service (INS), that he or she was:
 - (a) Admitted as a refugee under section 207 of the Immigration and Nationalities Act (INA);
 - (b) Paroled into the U.S. as a refugee or asylee under section 212(d)(5) of the INA;
 - (c) Granted conditional entry under section 203(a)(7) of the INA;
 - (d) Granted asylum under section 208 of the INA;
 - (e) Admitted as an Amerasian Immigrant from Vietnam through the orderly departure program, under section 584 of the Foreign Operations Appropriations Act, incorporated in the FY88 Continuing Resolution P.L. 100-212;
 - (f) A Cuban-Haitian entrant who was admitted as a public interest parolee under section 212(d)(5) of the INA.
- (2) A permanent resident alien meets the immigration status requirements for RCA and RMA if the individual was previously in one of the statuses described in subsections (1)(a) through (f) of this section.

CLARIFYING INFORMATION

For general information on RCA and RMA eligibility see WAC 388-466-0120, 388-466-0130 and PROGRAM SUMMARY, WAC 388-400-0030 (2)(a) for RCA and (b) and WAC 388-400-0035 (2)(a) for RMA.

Important Terms

1. **Refugee Assistance** began in 1975 as the Indochinese Refugee Assistance Program under the authority of the Indochina Migration and Refugee Assistance Act. The Refugee Act of 1980 broadened the program to cover all persons, regardless of national origin, who enter the U.S. to escape persecution. Program benefits are 100 percent federally funded and include cash (RCA) and medical (RMA) assistance.
2. **Refugee** status is granted by the INS to persons unwilling or unable to return to the person's country of nationality because of persecution or fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion.
3. An **Amerasian** is a person born in Southeast Asia of an American parent and a native parent and who has been granted qualifying status by the INS. When this term is used as a refugee status category for RCA/RMA, it includes spouses and children of Amerasians.
4. An **Asylee** is a person who is physically present in the U.S. or at a border or port of entry and who has been granted political asylum by the U.S. Attorney General. An applicant for political asylum does not meet the immigration status requirement for Refugee Assistance until asylum has been granted.
5. A **Parolee** is a person who has been granted permission to enter the U.S. for humanitarian or public interest reasons. Parolee status is granted at the discretion of the U.S. Attorney General and may be revoked at any time. A person must be granted parolee status under section 212(d)(5) of the INA to qualify as a refugee.
6. A **Permanent Resident** is a person who is granted the right to reside permanently in the U.S. as an immigrant by the INS. Refugees are eligible to apply for permanent resident status one year after date of entry into the U.S.
7. A **Voluntary Resettlement Agency (VOLAG)** is a private agency that enters into a grant, contract or cooperative agreement with the U.S. Department of State to provide for the reception and initial placement of refugees. This assistance may include social services, cash, food, help in finding housing, etc. An up-to-date list of VOLAGs in Washington State can be found on the Internet at:
http://www.wa.gov/dshs/EAZManual/Sections/CitizenAppendix_1.htm

8. **PRUCOL** "permanently residing under color of law" is not a distinct immigration classification, it means though that the alien is considered to be legally residing in the country for an indefinite period of time. It includes a number of individual immigration classifications and as its broadest means "a person known to the INS whom the INS does not intend to deport." See WAC 388-424-0005(4) and **CLARIFYING INFORMATION** (2) in chapter on **CITIZENSHIP and ALIEN STATUS**.
9. **A victim of severe forms of human trafficking (an adult or a child)** is an alien who has been trafficked into the U.S. and forced into the international sex trade, prostitution, slavery and forced labor through coercion, threats of physical violence, psychological abuse, torture and imprisonment.
10. **Certification of victim of human trafficking** is conducted by the Office of Refugee Resettlement (ORR) at the Department of Health and Human Services. After consulting with an Attorney General ORR may certify an adult victim of trafficking who is willing to assist with the investigation and prosecution of trafficking cases and either
 - a. Has made a bona fide application for a T visa; or
 - b. Is a person whose continued presence the Attorney General is ensuring to effectuate a prosecution of traffickers.

Children victims of human trafficking do not need to be certified.

Refugee Documentation

See **CITIZENSHIP and ALIEN STATUS**, Appendix 1, for acceptable documentation of a client's refugee status.

Asylum Documentation

The following documents are acceptable proof of a client's asylee status and entry date:

1. I-94 Arrival / Departure Card noting that the individual has been admitted:
 - a. Under Section 208 of the INA; or

- b. With admission codes AS-1, AS-2, or AS-3; or
 - c. With Visa 92 (V-92).
- 2. I-571 United States Refugee Travel Document. This document does not distinguish between refugees and asylees so contact INS to verify whether the individual is an asylee.
 - 3. I-688-B Employment Authorization Document with the provision of law 274a.12(a)(5).
 - 4. I-730 Asylum Approval Letter from an INS Asylum Office.
 - 5. I-766 Employment Authorization Document with the code A05.
 - 6. Written decision from the Board of Immigration Appeals (BIA). The entry date will be the date on the decision.
 - 7. An order from immigration judge granting asylum under Section 208 of the INA. The entry date will be:
 - a. The date on an Immigration Judge Order if INS has waived right to appeal decision; or
 - b. The 31st day from the date of an Immigration Judge Order if INS has reserved the right to appeal but chose not to.

NOTE: The order has a section that specifies whether the INS has waived or reserved its right to appeal. See Table I for further clarification.

Table I and Table 2 are here to help you correctly establish clients' entry date and benefit eligibility.

TABLE I

Documentation and Situation	Action	Benefit Eligibility (referring only to asylum status)	Entry Date (date asylum granted)
Immigration Judge Order with notation that appeal was waived by INS	No additional verification needed	Eligible for RCA	Date on Immigration Judge Order
Immigration Judge Order with notation that appeal was reserved by INS	No action can be taken until 30 days after the date on the Immigration Judge Order; on or after the 31 st day, call Executive Office of Immigration Review (EOIR) case status line at (800) 898-7180 to see whether INS has appealed	If INS did not appeal, the individual is an asylee and eligible for RCA	30 days after the date on the Immigration Judge Order (31 st day); Example: Immigration Judge Order dated September 1, 2000; INS did not appeal; Entry date is October 1, 2000
		If INS appealed, the individual is not an asylee and not eligible for RCA	No entry date as asylum not yet granted; client is not eligible for RCA; **Note the client is a PRUCOL alien so consider eligibility for SFA/FAP

NOTE: Although the EOIR case status line is updated every 24 hours you may find that it does not contain the needed appeal information on the 31st day. **The EOIR reports it may take up to 5 days after the appeal deadline for the information to be relayed to the case status line.**

Asylum Entry Date for Family Members

The entry date for an asylee's family members will depend on whether the family was included on the asylee's original application for asylum and whether they were inside or outside of the United States when the individual applied. See Table II below for clarification.

TABLE II

Situation	Entry Date (i.e. date asylum granted)
Family members included in principal asylee's application	Same entry date as principal asylee
Family members outside of the United States; I-730 process; Visa 92	Date that the family members enter the United States; date of entry should be noted on I-94 card.
Family members in the United States; not included on principal's asylum application; I-730 process	Date that the I-730 application is approved; INS should issue an I-94Arrival/Departure card with this date; I-730 approval letter is also acceptable documentation

Documentation for Victims of Human Trafficking

The term "victims of human trafficking is defined in **"Important Terms"** (8. and 9.) above.

1. Only the original certification letter or similar letter for children is acceptable instead of required INS documentation, such as I-94 Card. Victims of severe forms of trafficking are not required to provide any other documentation of their immigration status that confer eligibility for benefits.

NOTE: Although they are not required for benefits purposes, victims of trafficking may have a variety of immigration documents, including an I-94 Arrival / Departure Card with a stamp showing parole under section 212(d)(5), an employment authorization document, or proof of deferred action or an order of supervision. These documents may also be used in proving identity.

2. For refugee benefit purposes the individual's "entry date" is the certification date, which appears in the body of the certification letter or letter for children.
3. Providing that they meet other eligibility requirements, victims of severe forms of trafficking (both adults and children) are eligible for the benefits to the same extent as refugees, though under immigration laws they do not have refugee status.
4. By the time of the application and eligibility interview many victims of trafficking may not yet have standard identity documents, such as driver's license. To confirm identity in these cases, worker should call the trafficking verification line at (202) 401-5510 for assistance.
5. Certification letters or letters for children issued before November 6, 2001 contain eight-month expiration date. The trafficking certification re-determination and re-determination of eligibility for benefits must be conducted at the end of the 8-months period. Certification letters issued on or after November 6, 2001 do not have an expiration date.

WORKER RESPONSIBILITIES

1. Verify immigration status and entry date on the refugee's INS documentation. See **CITIZENSHIP AND ALIEN STATUS**, Appendix 1, or **CLARIFYING INFORMATION** above for entry status designations. Immigration status may also be verified using other documents or written collateral statements from the INS.
2. Retain a photocopy of original certification letter for victims of human trafficking or similar letter for children and return original to applicant. Before authorizing benefits verify the validity of the document by calling the trafficking verification line at (202) 401-5510 and also notify ORR about application for benefits.
3. Retain a photocopy of original letter from VOLAG. Follow local office policies and procedures for notifying the VOLAG regarding applications for assistance by refugees.
 - a. The client must be informed that the VOLAG will be contacted regarding his or her application for assistance.
 - b. When a refugee applies for cash assistance, the VOLAG notification should include a request for any information concerning offers of employment

including whether the applicant has voluntarily quit employment or has refused to accept an offer of employment or a training opportunity within 30 days prior to the date of application (see Employment and Training Requirements WAC 388-466-0150).

4. Follow local office policies and procedures for referring refugees to the Refugee Social Worker.